The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 23

BANGALORE, THURSDAY, JUNE 8, 1911.

PART III.

Legislative Measures and Rules thereunder.

THE CODE OF CIVIL PROCEDURE.

CONTENTS.

PRELIMINARY.

SECTIONS.

1. Short title, commencement and extent.
2. Definitions.
3. Subordination of Courts.
4. Savings.
5. Application of the Code to Revenue Courts.
6. Pecuniary jurisdiction.
7. Small Cause Courts.

PART I.

SUITS IN GENERAL.

JURISDICTION OF THE COURTS AND *res judicata*

9. Courts to try all civil suits unless barred.
10. Stay of suit.
11. *Res judicata.*
13. When foreign judgment not conclusive.
14. Presumption as to foreign judgments.

PLACE OF SUING.

15. Court in which suits to be instituted.
16. Suits to be instituted where subject-matter situate.
17. Suits for immovable property situate within jurisdiction of different Courts.
18. Place of institution of suit where local limits of jurisdiction of Courts are uncertain.
19. Suits for compensation for wrongs to person or movables.
20. Other suits to be instituted where defendants reside or cause of action arises.

21. Objections to jurisdiction.
22. Power to transfer suits which may be instituted in more than one Court.
23. To what Court application lies.
24. General power of transfer and withdrawal.

INSTITUTION OF SUITS.

26. Institution of suits.

SUMMONS AND DISCOVERY.

27. Summons to defendant.
29. Service of foreign summonses.
30. Power to order discovery and the like.
31. Summons to witness.
32. Penalty for default.

JUDGMENT AND DECREE.

33. Judgment and decree.

INTEREST.

34. Interest.

COSTS.

35. Costs.

PART II.

EXECUTION.

GENERAL.

36. Application to orders.
37. Definition of Court which passed a decree.

COURTS BY WHICH DECREES MAY BE EXECUTED.

38. Court by which decree may be executed.

SECTIONS.
39. Transfer of decree.
41. Result of execution-proceedings to be certified.
42. Powers of Court in executing transferred decree.
43. Decrees of certain Courts to be executed in Mysore.
44. Execution of decrees passed by Courts of other Native States.
46. Precepts.

QUESTIONS TO BE DETERMINED BY COURT EXECUTING DECREE.

47. Questions to be determined by the Court executing decree.

LIMIT OF TIME FOR EXECUTION.

48. Execution barred in certain cases.

TRANSFEREES AND LEGAL REPRESENTATIVES.

49. Transferee.
50. Legal representative.

PROCEDURE IN EXECUTION.

51. Powers of Court to enforce execution.
52. Enforcement of decree against legal representative.
53. Liability of ancestral property.
54. Partition of estate or separation of share.

ARREST AND DETENTION.

55. Arrest and detention.
56. Prohibition of arrest or detention of women in execution of decree for money.
57. Subsistence allowance.
58. Detention and release.
59. Release on ground of illness.

ATTACHMENT.

60. Property liable to attachment and sale in execution of decree.
61. Partial exemption of agricultural produce.
62. Seizure of property in dwelling-house.
63. Property attached in execution of decrees of several Courts.
64. Private alienation of property after attachment to be void.

SALE.

65. Purchaser's title.
66. Suit against purchaser not maintainable on ground of purchase being on behalf of plaintiff.
67. Power for Government to make rules as to sales of land in execution of decrees for payment of money.

DELEGATION TO DEPUTY COMMISSIONER OF POWER TO EXECUTE DECREES AGAINST IMMOVABLE PROPERTY.

68. Power to prescribe rules for transferring to Deputy Commissioner execution of certain decrees.
69. Provisions of third schedule to apply.
70. Rules of procedure.
Jurisdiction of Civil Courts barred.
71. Deputy Commissioner deemed to be acting judicially.
72. Where Court may authorize Deputy Commissioner to stay public sale of land.

DISTRIBUTION OF ASSETS.

73. Proceeds of execution sale to be rateably distributed among decree-holders.

RESISTANCE TO EXECUTION.

74. Resistance to execution.

PART III.

INCIDENTAL PROCEEDINGS.

COMMISSIONS.

75. Power of Court to issue commissions.
76. Power of Government to make rules regarding commissions for local investigations.
77. Letter of request.
78. Commissions issued by foreign Courts.

PART IV.

SUITS IN PARTICULAR CASES.

SUITS BY GOVERNMENT OR BY OR AGAINST PUBLIC OFFICERS IN THEIR OFFICIAL CAPACITY.

SECTIONS.

79. Suits by Government.
80. Notice.
81. Exemption from arrest and personal appearance.
82. Execution of decree.

INTERPLEADER.

88. Where interpleader-suit may be instituted.

PART V.

SPECIAL PROCEEDINGS.

ARBITRATION.

89. Arbitration.

SPECIAL CASE.

90. Power to state case for opinion of Court.

SUITS RELATING TO PUBLIC MATTERS.

91. Public nuisances.
92. Public charities.

PART VI.

SUPPLEMENTAL PROCEEDINGS.

94. Supplemental proceedings.
95. Compensation for obtaining arrest, attachment or injunction on insufficient grounds.

PART VII.

APPEALS.

APPEALS FROM ORIGINAL DECREES.

96. Appeal from original decree.
97. Appeal from final decree where no appeal from preliminary decree.
98. Decision where appeal heard by two or more Judges.
99. No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.

APPEALS FROM APPELLATE DECREES.

100. Second appeal.
101. Second appeal on no other grounds.
103. Power of the Chief Court to determine issues of fact.

APPEALS FROM ORDERS.

104. Orders from which appeal lies.
105. Other orders.
106. What Courts to hear appeals.

GENERAL PROVISIONS RELATING TO APPEALS.

107. Powers of Appellate Court.
108. Procedure in appeals from appellate decrees and orders.

PART VIII.

REFERENCE, REVIEW AND REVISION.

113. Reference to Chief Court.
114. Review.
115. Revision.

PART X.

RULES.

SECTIONS.

121. Effect of rules in First Schedule.
122. Power of the Chief Court to make rules.
123. Constitution of Rule Committee.
124. Committee to report to the Chief Court.
126. Rules subject to sanction.
127. Publication of rules.
128. Matters for which rules may provide.
130. Power to make rules as to matters other than procedure.
131. Publication of Rules.

PART XI.

MISCELLANEOUS.

132. Exemption of certain women from personal appearance.
133. Exemption of other persons.
134. Arrest other than in execution of decree.
135. Exemption from arrest under civil process.
136. Procedure where person to be arrested or property to be attached is outside district.
137. Language of subordinate Courts.
138. Power for Government to require evidence to be recorded in English.
139. Oath on affidavit by whom to be administered.
141. Miscellaneous proceedings.
142. Orders and notices to be in writing.
143. Postage.
144. Application for restitution.
145. Enforcement of liability of surety.
146. Proceedings by or against representatives.
147. Consent or agreement by persons under disability.
148. Enlargement of time.
149. Power to make up deficiency of Court-fees.
150. Transfer of business.
151. Saving of inherent powers of Court.
152. Amendment of judgments, decrees or orders.
152A. Indemnity of Judges, etc.
153. General power to amend.

154. Saving of present right of appeal.
155. Amendment of certain Acts.
156. Repeals.
157. Continuance of orders under repealed enactments.
158. Reference to Code of Civil Procedure and other repealed enactments.

SCHEDULES.

THE FIRST SCHEDULE.—RULES OF PROCEDURE.
APPENDIX A.—PLEADINGS.
APPENDIX B.—PROCESS.
APPENDIX C.—DISCOVERY, INSPECTION AND ADMISSION.
APPENDIX D.—DECREES.
APPENDIX E.—EXECUTION.
APPENDIX F.—SUPPLEMENTAL PROCEEDINGS.
APPENDIX G.—APPEAL, REFERENCE AND REVIEW.
APPENDIX H.—MISCELLANEOUS.

THE SECOND SCHEDULE.—ARBITRATION.
APPENDIX.—FORMS.

THE THIRD SCHEDULE.—EXECUTION OF DECREES BY DEPUTY COMMISSIONERS.

THE FOURTH SCHEDULE.—ENACTMENTS AMENDED.

THE FIFTH SCHEDULE.—ENACTMENTS REPEALED.

(7) "Government Pleader" includes any officer appointed by the Government to perform all or any of the functions expressly imposed by this Code on the Government Pleader and also any pleader acting under the directions of the Government Pleader:

(8) "Judge" means the presiding officer of a Civil Court:

(9) "judgment" means the statement given by the Judge of the grounds of a decree or order:

(10) "judgment-debtor" means any person against whom a decree has been passed or an order capable of execution has been made:

(11) "legal representative" means a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued:

(12) "mesne profits" of property means those profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received therefrom, together with interest on such profits, but shall not include profits due to improvements made by the person in wrongful possession:

(13) "movable property" includes growing crops:

(13A) "Mysore Military Forces" means and includes the Mysore Imperial Service Cavalry and Transport Corps, the Local Service Troops (*viz.*, the Barr and Silledar Troops) and the Palace Troops:

(14) "order" means the formal expression of any decision of a Civil Court which is not a decree:

(14A) "Palace Troops" means the Body Guard (Cavalry), the Barr Battalion (Infantry), the Golundauz (Artillery), and the English band, attached to the Palace of His Highness the Maharaja of Mysore:

(15) "pleader" means any person enrolled under the law for the time being in force in Mysore relating to Legal Practitioners, and entitled to appear and plead for another in Court:

(16) "prescribed" means prescribed by rules:

(17) "public officer" means a person falling under any of the following descriptions, namely:—

(*a*) every Judge;

(*b*) every commissioned or gazetted officer in the Mysore Military Forces;

(*c*) every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret or to preserve order, in the Court, and every person especially authorized by a Court of Justice to perform any of such duties;

(*d*) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;